

## ***Part Six - Memorandum of Agreement***

***WHEREAS, the Federal Highway Administration (FHWA) has determined that the rehabilitation of State Bridge No 698 (Van Buren Street Bridge), located on Van Buren Street, Wilmington, New Castle County, Delaware, will have an adverse effect on the Van Buren Street Bridge and Brandywine Park which are listed on the National Register of Historic Places, and has consulted with the Delaware State Historic Preservation Office (DE SHPO) pursuant to the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f); and***

***WHEREAS, the Delaware Department of Transportation (DelDOT) has been invited to concur in this Memorandum of Agreement;***

***WHEREAS, DelDOT's intent is to rehabilitate the Van Buren Street Bridge in a manor compatible with its historic character and setting;***

***WHEREAS, the City of Wilmington, New Castle County, and the Friend Society of Brandywine Park have been invited to participate in the consultation process.***

***NOW, THEREFORE, the FHWA and the DE SHPO agree that if the Advisory Council on Historic Preservation (COUNCIL) accepts this Memorandum of Agreement in accordance with 36 CFR Section 800.6(a)(1)(I), the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the rehabilitation on those historic properties.***

### **STIPULATIONS**

***The FHWA will ensure that the following measures are carried out:***

***1. Prior to any rehabilitation work on the Van Buren Street Bridge, DelDOT shall contact the National Park Service, Mid-Atlantic Regional Office to determine what level and kind of HABS/HAER recordation is required for these properties (i.e. the bridge and Brandywine Park setting in vicinity of bridge). DelDOT will ensure that all initial photo documentation and required prints are accepted by the National Park Service. Copies of final and approved documentation will be provided to the DE SHPO and appropriate local archives designated by the DE SHPO.***

***2. DelDOT shall photograph various phases of the bridge deck removal to demonstrate and record the 48" water main in situ. Copies of the photographs will be included with the final HABS/HAER documentation to be prepared under Stipulation 1.***

### 3. *DESIGN PLANS*

*a. DelDOT will take into account the comments of the DE SHPO and the consulting parties on the semi-final project plans concerning design, methods, and materials to be employed in the rehabilitation of the Van Buren Street Bridge.*

*b. DelDOT will provide a copy of the final project plans and specifications to the DE SHPO and consulting parties and take into account any further comments prior to those plans and specifications being accepted as final by DelDOT.*

*c. DelDOT shall submit any subsequent changes in the project plans or specifications to the DE SHPO and other consulting parties, for their review and comment prior to implementing such changes.*

*4. Prior to the construction and shaping of the parapet walls, DelDOT will have the contractor schedule an on-site meeting (at the project site or agreeable alternative site) with representatives from the DelDOT's Environmental Studies Section, the DE SHPO, and other consulting parties. The on-site meeting will be scheduled so that above representatives review and approve a test section of the parapet wall in order to ensure that color, pattern, concrete forming/texture, shape, and overall appearance is compatible with the original historic design and appearance. It will be required of DelDOT to assure that the contractor conduct a test section before any further work can continue on the parapet walls. DelDOT Environmental Studies Section will take into account comments received at the on-site meeting of the test section and will authorize the contractor to continue or modify the test section (thus, potentially the overall parapet plan details). The contract specifications or plans will require that the contractor construct a test section of the parapet wall, schedule the on-site meeting, and modify the plans if necessary.*

*5. During any stage of mobilizing construction equipment or during any reconstruction phase of the bridge, DelDOT will ensure that the contractor does not disturb or damage any part of the south raceway canal. Any alteration, potential disturbance, or actual work on the raceway will require DE SHPO notification of such action for consultation and approval.*

*6. As determined by the contractor, any dredged, excavated, or construction materials will be disposed of at locations (temporary or permanent) that have been reviewed and approved by the DE SHPO prior to any disposal or transportation to assure no adverse effect onto potential archaeological sites. The DE SHPO will review and comment on any disposal site within 15 calendar days in receipt of adequate information.*

7. *At any time during implementation of the stipulations of this agreement, should an objection to any measures ruled by any of the signatories be made, the objection shall be forwarded by the signatory to the COUNCIL for resolution as per CFR 800.6.*

*Execution of this Memorandum of Agreement by the FHWA and the DE SHPO and its subsequent acceptance by the COUNCIL, and implementation of its terms, evidence that the FHWA has afforded the COUNCIL an opportunity to comment on the rehabilitation of the Van Buren Street Bridge and its effects on historic properties and that the FHWA has taken into account the effects on the project on historic properties.*

\_\_\_\_\_  
*Federal Highway Administration* *Date*

\_\_\_\_\_  
*Delaware State Historic Preservation Officer* *Date*

**CONCURRENCE:**

\_\_\_\_\_  
*Delaware Department of Transportation* *Date*

**ACCEPTANCE:**

\_\_\_\_\_  
*Advisory Council on Historic Preservation* *Date*